

CREATING THE NORTHERN AND SOUTHERN DISTRICTS OF NEW JERSEY¹

1. Introduction

On February 6, 2001, Congressman Andrews introduced H.R. 409, "A BILL to amend Title 28, United States Code, to divide New Jersey into 2 judicial districts." H. R. 409 was co-sponsored by Congressmen Saxton and LoBiondo. An identical Bill was introduced in the United States Senate by Senator Torricelli, and co-sponsored by Senator Corzine. On February 5, 2001, Senators Torricelli and Corzine, and Congressman Andrews and Saxton held a press conference at the Mitchell H. Cohen United States Courthouse in Camden to announce the proposed legislation (Congressman LoBiondo was unable to attend). A copy of the House Bill is attached as Exhibit "A." The proposed legislation would divide the single District of New Jersey into 2 judicial districts to be known as the Northern and Southern Districts of New Jersey. The Northern District would consist of the eight counties of Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Sussex and Union. The Southern District would consist of the thirteen counties of Atlantic, Burlington, Camden, Cape May,

¹ Chief Judge Thompson appointed a sub-committee to report to the Board of Judges on the proposed splitting of the District. The Committee is Chaired by Judge Brotman, and includes Judges Lifland, Bassler, Brown and Orlofsky. This report is the minority report submitted on behalf of Judges Brotman and Orlofsky. Judge Lifland will be submitting the majority report on behalf of Judges Bassler, Brown and himself.

Cumberland, Gloucester, Hunterdon, Mercer, Monmouth, Ocean, Salem, Somerset and Warren. Attached as Exhibit "B" is a county map of New Jersey showing the proposed Northern and Southern Districts. The Bill provides for 10 district court judgeships in the Northern District, headquartered in Newark, and 7 district court judgeships in the Southern District, 3 in Trenton and 4 in Camden.

Not surprisingly, like the Bill itself, supporters and opponents of the Bill, are geographically divided. The Association of the Federal Bar of the State of New Jersey, a North Jersey based organization, opposes the Bill. The New Jersey State Bar Association has voted to support the legislation. The County Bar Associations of the 7 southern most counties, Atlantic, Cape May, Salem, Cumberland, Gloucester, Camden, and Burlington are overwhelmingly in favor of the proposed legislation. The purpose of this report is to analyze objectively whether creating a new district makes good public policy. Based upon the statistical analysis and population trends which are discussed below, and notwithstanding the additional incremental personnel cost that splitting the district would require, we believe that the proposed legislation should be supported by our Court.

2. District of New Jersey Characteristics, Geography, and Demographics

The United States District Court for the District of New Jersey embraces the entire State of New Jersey with three places of holding court -- Camden, Newark, and Trenton -- as defined by statute, see 28 U.S.C. § 110. This District is unique in several respects. Among the 94 federal district courts, New Jersey has the largest population of any single-district state, and it has three significant vicinages -- Camden, Newark, and Trenton -- each with its own substantial court house and judicial operation.

The District of New Jersey has 17 authorized district judgeships. The last increase to the court occurred in the Judicial Improvements Act of 1990, Pub. L. 101-650, when three judgeships were added. New Jersey ranks sixth among the 94 district courts in the number of judgeships, as shown in Figure 1, below:

Figure 1. The Largest Federal District Courts

<u>DISTRICT COURT</u>	<u>JUDGESHIPS</u>
S.D. New York	28
C.D. California	27
N.D. Illinois	22
E.D. Pennsylvania	22
S.D. Texas	18
D. New Jersey	17
S.D. Florida	16
M.D. Florida	15
E.D. New York	15
D. District of Columbia	15
E.D. Michigan	15
N.D. California	14
D. Massachusetts	13

New Jersey's 17 judgeships are allocated among the three vicinages as follows: Camden 4; Newark 10; and Trenton 3. There are currently no judicial vacancies², and 5 Senior District Judges serve the Court, 2 in Camden and 3 in Newark. Our full-time Magistrate Judges presently total 9, with the 10th position currently pending the approval of the Judicial Conference of the United States at its March, 2001 meeting. If the 10th Magistrate

² There will be two judicial vacancies in June. Chief Judge Thompson and Judge Lifland have announced they will be taking senior status on June 1 and June 15, 2001, respectively.

Judge position is approved, the assignments of Magistrate Judges would be as follows: Camden 2; Newark 6; and Trenton 2.

Figure 2. Judicial Officers by Vicinage, 2001

	<u>Camden</u>	<u>Newark</u>	<u>Trenton</u>
District Judges	4	10	3
Senior District Judges	2	3	0
Magistrate Judges	2	6	2
Total Judicial Officers	8	19	5

Of the current roster of 32 judicial officers, therefore, 25% are in Camden, 59% are in Newark, and 16% are in Trenton. If the District is divided as proposed, the ratio of judicial officers between the Northern and Southern Districts, expressed in percentage terms, would be 59/41. Counting District Judges alone, the 10 Northern District judgeships and the 7 Southern District judgeships bear a ratio of 59/41.

New Jersey has 21 counties, and each county is assigned to a vicinage. Under the Local Rules of this Court, civil cases are allocated by the Clerk of Court to the vicinage where the cause of action arose or where a defendant resides, and that vicinage remains the place for trial unless changed by court order. (See Local Civil Rule 40.1.) Criminal cases were formerly assigned on a district-wide basis without regard to where the crime allegedly occurred. The court changed its district-wide assignment wheel for criminal cases in 1999 to the present vicinage-based

assignment system; that is, the Clerk assigns criminal cases to a judge of the vicinage where the alleged offense arose, except that the Clerk may assign the case to a different vicinage if necessary to balance the assigned case loads among the vicinages, employing such plan as the Court directs for such assignments. (Local Criminal Rule 18.1(a), as amended Dec. 21, 2000.) Through this assignment mechanism, the annual criminal case assignments to the District Judges are about equal, regardless of vicinage, and all Camden vicinage cases remain in Camden, all Trenton vicinage cases remain in Trenton, and almost all Newark vicinage cases remain in Newark with the exception of thirteen indictments and fifty informations in calendar year 2000 (discussed below), which were assigned instead to Trenton or Camden to balance the criminal case assignments.

The three vicinages encompass the following counties:

Camden Vicinage - Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem.

Newark Vicinage - Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Sussex, and Union.

Trenton Vicinage - Hunterdon, Mercer, Monmouth, Ocean, Somerset, and Warren.

The population of New Jersey on April 1, 2000 has been published by the Census Bureau as 8,414,350. The estimated populations for the counties of the three vicinages as of July 1, 1999,³ according to the Census Bureau, are 1,720,376 in Camden,

³The county-wide Census Bureau figures from the 2000 census are not yet available, so the July 1, 1999 estimates are used. The 1999 estimates are apparently too low, since these estimates

4,467,243 in Newark, and 1,955,798 in Trenton. The growth rates are substantially different for the three vicinages, as the Camden vicinage has grown by 212,340 persons (14.08%) since 1980, and Trenton vicinage has grown by 423,800 persons (27.67%) since 1980, and the Newark vicinage has grown by 142,261 persons (3.29%) since 1980. The following chart (Figure 3) summarizes these population trends.

total 8,143,412, while the actual 2000 census count was 8,414,350.

Figure 3. Population Trends 1980-1999 by Vicinage

<u>Vicinage</u>	<u>County</u>	<u>7/1/99</u>	<u>1990</u>	<u>1980</u>	<u>Change</u> <u>'80-'99</u>
<u>Camden</u>					
	Atlantic	239,626	224,327	194,119	
	Burlington	424,510	395,066	362,542	
	Camden	503,093	502,824	471,650	
	Cape May	98,009	95,089	82,266	
	Cumberland	140,112	138,053	132,866	
	Gloucester	250,492	230,082	199,917	
	Salem	<u>64,534</u>	<u>65,294</u>	<u>64,676</u>	
		1,720,376	1,650,735	1,508,036	14.08%
<u>Newark</u>					
	Bergen	857,052	825,380	845,385	
	Essex	747,355	777,964	851,304	
	Hudson	552,819	553,099	556,972	
	Middlesex	717,949	671,712	595,893	
	Morris	463,545	421,330	407,630	
	Passaic	485,064	470,872	447,585	
	Sussex	144,700	130,936	116,119	
	Union	<u>498,759</u>	<u>493,819</u>	<u>504,094</u>	
		4,467,243	4,345,112	4,324,982	3.29%

Figure 3. Population Trends 1980-1999 by Vicinage

<u>Vicinage</u>	<u>County</u>	<u>7/1/99</u>	<u>1990</u>	<u>1980</u>	<u>Change '80-'99</u>
<u>Trenton</u>					
	Hunterdon	124,553	107,852	87,361	
	Mercer	333,861	325,759	307,863	
	Monmouth	611,444	553,192	503,173	
	Ocean	497,533	433,203	346,038	
	Somerset	288,090	240,222	203,129	
	Warren	<u>100,312</u>	<u>91,675</u>	<u>84,429</u>	
		1,955,793	1,751,903	1,531,993	27.67%

Under the proposed legislation to create two districts, the new Northern District of New Jersey would consist of the eight (8) counties of the present Newark vicinage and the new Southern District of New Jersey would consist of the thirteen (13) counties of the present Trenton and Camden vicinages. The Northern District would serve a population of 4,467,243, and the Southern District would serve a population of 3,676,169. In terms of percentage shares (again using 1999 estimated figures), the Northern District would serve 54.7 percent of the population, and the Southern District would serve 45.3 percent of the population. These populations at a ratio of roughly 55/45 are proportional to the 10/7 division of District Judgeships (59/41), with the Southern District only slightly disadvantaged by this split.

Proponents of the legislation point out that the areas in the proposed Southern District have been growing at a faster rate; the census data in Figure 3 support this. Opponents of the legislation have suggested that the Southern District would be too small, containing only one-fourth or one-third of the state's population; this criticism is likewise incorrect, since the Southern District would currently have about forty-five percent of the state's population and its population could roughly equal the population of the Northern District if the growth trends of the past 20 years continue, as shown in Figure 4.

Figure 4. Population Projections, 1999 - 2020

	<u>1999 est. pop.</u>	<u>Projected Growth</u>	<u>2020 est. pop.</u>
Camden Vicinage	1,720,376	14.08%	1,962,605
Newark Vicinage	4,467,243	3.29%	4,614,215
Trenton Vicinage	1,955,793	27.67%	2,496,961

Using current populations then, the populations of the proposed Northern and Southern Districts bear approximately a 55/45 ratio to one another. Notwithstanding this 55/45 split, several major court operations are more heavily weighted toward the Newark vicinage. In the Probation Office, our District has 144 positions filled at this time, 91 of whom are Probation Officers. Out of the 91 Probation Officers, 56 are in Newark and Patterson, 17 are in Trenton and Tinton Falls, and 17 are in Camden and Northfield; also, the four top positions in the

Probation Department are currently in Newark. Expressed in percentage terms, the current ratio of Probation Officers in the proposed northern and southern regions is 62/38.

Recently, on March 8, 2001, in response to a request from Chief Judge Thompson, Chief U.S. Probation Officer Joseph J. Napurano, circulated a memorandum evaluating the proposed splitting of the District. Not surprisingly, the Chief Probation Officer's analysis discloses that the relative caseloads of the Northern and Southern Districts would justify 5 more positions for the South, and 5 fewer for the North. Mr. Napurano also acknowledges that the supervision of the current 7 offices out of Newark is a more difficult task than localizing the supervision in the split districts, and that the public may be better served by the split. The splitting of the District, however, is not about Probation, Pretrial Services, the Clerk's Office, or the Marshal's office. There is no doubt that splitting the District will require realignments and redeployment of personnel and staff. The tail, however, should not be permitted to wag the dog. Moreover, since the top four positions in the Probation Department are currently located in Newark, the creation of a Southern District, with its own Chief Probation Officer, can only result in a salutary improvement in the provision of services by the Probation Department in the South.

I note also that at approximately 6:00 p.m. on Friday, March 9, 2001, Bill Walsh, again at the request of the Chief Judge, faxed to all Judges an "Impact Statement" assessing the effect splitting the District would have on the Clerk's office. Nowhere does Mr. Walsh's report acknowledge the obvious benefit of administering the smaller, more localized automation, personnel and budget programs of the split Districts and the fact that duties of administrators in the smaller Districts would likewise become focused on the localized courthouse operations. There is nothing new or surprising contained in Mr. Walsh's "Impact Statement" which counsels against splitting the District. Indeed, splitting the District contemplates the creation of two Clerk's offices.

In the U.S. Marshal's Office, a total of 60 positions are filled, of which 42 are in Newark, 10 are in Camden, and 8 are in Trenton; also, the three top positions in the Marshal's Office are currently in Newark. The "northern/southern" ratio is thus 70/30.

The Pretrial Services Office currently has 35 positions, of which 5 are in Camden, 26 are in Newark, and 4 are in Trenton. The "northern/southern" ratio is 74/26. Counting only Pretrial Services officers, ("line officers") and specialists, there are 3 in Camden, 17 in Newark, and 3 in Trenton (for a "northern/southern" ratio of 74/26).

In the Clerk's Office, on the other hand, the available resources are more evenly distributed. There are currently 119 employees (counting temporary employees), of whom 62 are in Newark, 22 are in Camden, and 35 are in Trenton; also, of the top four positions, three are in Newark and one is in Trenton. The "northern/southern" ratio for the Clerk's Office is thus 52/48.

Likewise, the Federal Public Defender's Office (although not a unit of the court) has deployed its resources in accordance with the numbers of cases and judicial officers in each vicinage. The Federal Public Defender's 42 positions currently are distributed as follows: Camden has 12 (including 5 AFPD's and the Public Defender himself), Newark has 24 (including 11 AFPD's), and Trenton has 6 (including 3 AFPD's).— The "northern/southern" ratio is thus 57/43.

Proponents of the legislation assert that the federal law enforcement community underserves the Camden and Trenton vicinages, and that the creation of a new district may help to remedy this policy. Historically, the United States Attorney's Office has been administered from Newark, and no one can recall the last United States Attorney who resided in the Trenton or Camden vicinage at the time of appointment. Although the recent incumbents, including the Honorable Samuel Alito, Michael Chertoff, Esquire, the Honorable Faith Hochberg, and present United States Attorney, Robert Cleary, Esquire, have taken steps

to enlarge the staff and facilities of the United States Attorney's Office in Trenton and Camden, decidedly more remains to be done. Of the 115 AUSA positions authorized to the United States Attorney in this District, 14 positions are in Camden, 93 are in Newark, and 8 are in Trenton. In percentage terms, the Newark vicinage houses 81% of the AUSA's, including the United States Attorney, First Assistant U.S. Attorney and all Section Chiefs, while the Trenton and Camden vicinages collectively house only 19% of the AUSA's. The United States Attorney's Office "northern/southern" ratio is thus 81/19, an extreme variance from the staffing of judicial officers, court functions, and civil and criminal caseloads, as discussed above. If one compares the deployment of AUSA's with the numbers of judicial officers they serve on a vicinage basis, the understaffing of Camden and Trenton is also apparent, as shown in Figure 5.

Figure 5. AUSA Positions per Judicial Officer by Vicinages

<u>Vicinage</u>	<u>Judicial Officers</u>	<u>AUSA's</u>	<u>AUSA Per Judge</u>
Camden	8	14	1.75
Newark	19	93	4.89
Trenton	5	8	1.60

Since criminal and civil caseloads per judgeship are substantially equal throughout the District of New Jersey (as discussed below), the underdeployment of AUSA's in Camden and

Trenton generally means that AUSA's in Newark must be relied on to cover a share of the Trenton and Camden workloads. Although Trenton and Camden judges may applaud the diligence of many Newark AUSA's, the distance factor can make it difficult for Newark AUSA's to conduct prolonged grand jury probes, or cover their own bail hearings, guilty pleas, and sentences in Camden or Trenton, relying upon local AUSA's, unfamiliar with the case, to substitute instead. It is also surprising that in the period since the District-wide random assignment of criminal cases was largely replaced by vicinage-based assignments, as discussed above, the federal prosecutor has not corrected these underdeployments in the Camden and Trenton vicinages.

--- The division of the District would induce an indirect remedy, since presumably the new Southern District could be staffed appropriately for the numbers of judicial officers and caseloads. Although we do not have national Justice Department data, it seems unlikely that any district in the country with seven district judgeships (as proposed for the Southern District) would have as few as the 22 AUSA positions currently assigned to Camden and Trenton to handle the civil and criminal caseloads.

The Association of the Federal Bar's Majority Report (December 2000) did not find fault with the United States Attorney's Office's allocation of resources, although it is not

apparent that those drafters considered the actual deployment of U.S. Attorney resources. That Committee found that "650 criminal cases [were] filed during fiscal year 1999. Of these, 479, or 73.7% originated in the eight-county proposed Northern District and 171, or 26.3% originated in the thirteen-county proposed Southern District." Id. at 8. Based upon these criminal case origins, the Majority Report opined that the division would burden the Newark judges because the perceived overflow of Newark criminal cases would have to stay in the new Northern District. (Id.)

These data equally confirm the relative understaffing of criminal investigations in the proposed Southern District, and the figures mirror the United States Attorney's deployment of personnel. Criminal cases are made by investigative and prosecutorial efforts, and there is no reason to believe that the inhabitants in the northern and southern areas are not equally law-abiding. But when 81% of the United States Attorney's resources are in Newark, it is predictable that such a high percentage of their prosecutions will originate in Newark. Since the proposed Southern District's United States Attorney's Office would be proportionately staffed, one could expect fully 45% of New Jersey's federal criminal cases in the future to be generated from the Southern area.

The recent experience of the New Jersey Attorney General's Office illustrates this point. The New Jersey Attorney General's Office has opened a major office in Cherry Hill within the past year, which has already generated significant local cases that would not have been possible before, according to First Deputy Attorney General Paul Zoubek. The staffing of the Division of Law's Cherry Hill Office as of March, 2001 will be 22 Deputy Attorneys General and 80 investigators split between criminal and civil enforcement. Proponents of the legislation point to the most recent prosecutions of the head of the Philadelphia - South Jersey crime family (who has become the highest ranking organized crime cooperator in history) and the offshoot cases from that investigation involving the Mayor of Camden and associates as demonstrating what a Camden-based investigation can uncover when AUSA's target that area.

3. The "Cultural" Divide

One of the most difficult issues to assess is the effect of the "legal cultural divide" which separates North Jersey from South Jersey. George Bernard Shaw once observed that the American and British speaking peoples are separated by a common language. So too are the legal cultures of North and South Jersey separated. From Burlington County to the South, lawyers and judges are unanimous in their support of the concept of splitting the District. Exactly the reverse is true in the

North. There is strong public support for the proposal as well. Attached as Exhibits "C" and "D," respectively, are editorials which appeared in recent editions of The Philadelphia Inquirer and The Courier Post supporting the proposed legislation.

The perception that South Jersey is not treated fairly in a single, unified district derives from two principal sources. First, South Jersey, as noted above, has been historically "underserved" by the misallocation of prosecutorial and law enforcement resources in a single, unified, state-wide district. Second, the appointment of Judges who do not live in the Trenton or Camden vicinages has created docket turbulence and resentment among the members of the bar. Both Trenton and Camden have had "revolving-door" judgeships. For example, Judges Debevoise, Ackerman, Barry, Bissell, Lifland and Rodriguez, all sat in Trenton for various periods of time before relocating to Newark or Camden. Judges Bassler and Pisano have sat in Camden, and understandably have relocated, or in Judge Pisano's case, will relocate, to Newark. Judge Hochberg, although selected to a Camden vacancy, was permitted to be assigned to Newark by a special arrangement through the Board of Judges pending Judge Pisano's confirmation. It is no answer to the problem of "revolving-door" judgeships to say that it is a "Political" problem created by our elected representatives. Indeed, the "Politicians" are addressing this "problem" by introducing the

proposed legislation. It is commendable, in our view, that our Senators and Representatives seek to address these political tensions between North and South through the introduction of this legislation. Nor is it an answer to the problem of misallocation of prosecutorial and law enforcement resources to say that the proposed legislation will adversely impact the ability of the United States Attorneys for the proposed Northern and Southern Districts to attract "high profile" cases, or the attention of Washington bureaucrats and the appropriate law enforcement agencies. The problem is that the current and historical misallocation of resources is dysfunctional and ill serves the public, particularly in the South.

----- What is truly ironic ~~is the reaction of lawyers~~ and many judges to the proposed split. One of the major, but unstated, reasons why lawyers in North Jersey oppose the "split" is the potential loss of referrals as local counsel. Although lawyers who are members of the bar of a District Court need not have an office in the District to practice in that District, the fear of lawyers whose offices are located in Northern New Jersey is that they no longer would receive referrals to serve as local counsel in the Southern District. Even assuming this to be true, it is hardly a basis upon which to oppose splitting the District.

As for judges, it has been suggested that splitting the District will diminish the prestige and stature of the two

resulting smaller Districts. For example, the Association of the Federal Bar went so far as to suggest that Chief Judge Gerry and Judge Barry were able to achieve positions of national prominence as a result of the size of our single, unified District. This is a proposition the mere statement of which is its own refutation. Suffice it to say that the achievements of Chief Judge Gerry and Judge Barry had nothing to do with the size of our District and everything to do with their respective talents and abilities. Moreover, the quality of justice and judging in a district depends upon each individual judge, and is not magically increased in a larger district.

4. Present and Future Caseloads

For the most recent statistical year (ending September 30, 2000), the District of New Jersey had 6,485 civil case filings and 881 criminal case filings (including 156 misdemeanors). The Court "cleared" its docket, terminating 6,491 civil cases and 892 criminal (including 219 misdemeanors). A criminal case may be more than one defendant, and the number of felony defendants rose to 950 and felony defendant terminations were 892.

The Court's backlog measured by the number of three-year old civil cases as of September 30, 2000 was 195 cases (3.5% of the

pending civil calendar).⁴ This figure compares favorably with the national average of 6.8% (1999 data).

The Court remained one of the most prompt in civil case dispositions. This Court's median time to disposition of civil cases for the most recent reported period (September 30, 1999) was seven months, compared with the national average of 10 months.

Although proponents of the legislation have suggested the creation of two districts will reduce the "backlog", there is no undue backlog in the district measured by federal court standards nationally. In fact, New Jersey's median disposition time of seven months is among the best for the largest courts. Of the 13 courts listed in Figure 1, above, only one court is faster (N.D. Illinois at 6 months), one is the same (S.D. Texas at 7 months), and the remaining 10 span the range from 8 to 12 months.

Because the caseloads and judgeships for the new districts would be the same as for the present vicinages, and the caseloads per judge are expected to remain essentially equal, one would not predict that the split would either enhance or decrease the ability to move the caseloads. On the other hand, one could argue that each new district may become somewhat quicker. Of the 94 districts, New Jersey ranks 1st in the Third Circuit and 10th

⁴Of the 195 three-year-old cases on Sept. 30, 2000, there were 30 in Camden, 148 in Newark, and 17 in Trenton.

nationally in the median time to disposition (1999). Of the nine districts in the nation with a faster civil disposition rate, only one (N.D. Illinois) is a large court and the other eight are smaller, suggesting that smaller court units may be the quicker ones.

A plethora of caseload data is readily available, and only a few points need to be noted to assist in evaluating the legislation, namely, civil and criminal case filings district-wide, by vicinage and by judgeship. These figures will then be compared for the present district and for the proposed new districts. Since the data are quite constant in recent years, we will look at the newest figures compiled by the Clerk of Court for the year ending September 30, 2000, in Figure 6:

FIGURE 6. Civil Caseloads for Entire District, by Vicinage, and Per Judgeship in Vicinage for Statistical Year 2000⁵

	<u>Pending 10/1/99</u>	<u>Commenced in SY 2000</u>	<u>Terminated in SY 2000</u>	<u>Pending 9/30/00</u>
<u>Entire District</u>	3,456	6,485	6,491	5,505
<u>By Vicinage:</u>				
Camden	1,456	1,600	1,688	1,364
Newark	3,399	4,021	3,882	3,468
Trenton	675	913	918	675
<u>By Judgeship</u>				
Camden (4)	364	400	422	341
Newark (10)	340	402	388	347
Trenton (3)	225	304	306	225

The statistical disparities of the per-judgeship figures for Trenton on the one hand and Newark and Camden on the other are not as pronounced as it appears. These per-judgeship figures do not include the Senior Judge positions, currently two in Camden and three in Newark, and the considerable contributions made by the Senior Judges to address the civil caseloads.

⁵The totals may not mathematically correspond, according to the Clerk, due to a number of within-district transfers which are not reflected.

Also, the historical data in Figure 6, above, reflect the assignment of Monmouth County cases to Newark. At least 269⁶ civil cases originated in Monmouth County in the year 2000, according to the Clerk. The Board of Judges, at its December 2000 meeting, voted to move Monmouth County back to its traditional "home" in the Trenton vicinage effective January 1, 2001. Thus, if the same rates of filings hold true for Statistical Year 2001 (ending Sept. 30, 2001), with Monmouth County cases being assigned to Trenton and subtracted from Newark, the civil case filings will look like this in Figure 7:

⁶The actual figure for Monmouth County civil filings is probably higher because in SY 2000 there were also 268 cases filed in Newark of "unknown origin," according to the Clerk of Court.

Figure 7. Projected Civil Case Filings by Entire District, by Vicinage, and Per Judgeship for Statistical Year 2001⁷

<u>Entire District</u>	6,485
<u>By Vicinage</u>	
Camden	1,600
Newark	3,752
Trenton	1,182
<u>By Judgeship</u>	
Camden (4)	400
Newark (10)	375
Trenton (3)	394

These civil case filing figures for 2001 also tell the story of what the relative caseloads of the proposed Northern and Southern Districts would be. The Northern District would receive about 3,752 civil filings per year, and the Southern District would receive 1,600 in Camden and 1,182 in Trenton, for a total of 2,782 civil filings per year. The "northern/southern" ratio of 3,752/2,782 is 57/43, and the case filings per judgeship would range between 375 in Newark to 400 in Camden. Thus, neither the "northern" or "southern" judges are disadvantaged by the division in terms of civil caseloads.

⁷Again, these totals do not mathematically correspond due to intra-district transfers not captured in the data.

Additionally, each new district would have the capacity to grow as caseloads increase. Congress creates new judgeships from time to time. The Judicial Conference of the United States will recommend new judgeships if civil and criminal caseloads so warrant. When the total civil and criminal felony filings in a district exceeds 430 weighted cases per judgeship, a study by the Administrative Office may be triggered at the district's request and with approval of the circuit court's Judicial Council, which may result in legislation adding judgeships. Both the proposed Northern and Southern Districts would appear to qualify statistically for the creation of one additional district judgeship apiece⁸.

For criminal cases, the Statistical Year 2000 profile is shown in Figure 8:

⁸Opponents of the legislation suggest that the increase of expenditures for New Jersey as a whole after a split will inhibit the funding of new judgeships in the future, see Association of Federal Bar Majority Report at 10. This is incorrect. The processes of budgeting and securing new judgeships are distinct. The latter is determined by considerations of caseloads, not by making room in the district's allocated funds.

FIGURE 8. Criminal Caseloads for Entire District, by Vicinage, and Per Judgeship in Vicinage for Statistical Year 2000

	<u>Pending 10/1/99</u>	<u>Commenced in SY 2000</u>	<u>Terminated in SY 2000</u>	<u>Pending 9/30/00</u>
<u>Entire District</u>	741	733	686	835
<u>By Vicinage:</u>				
Camden	172	169	176	212 ⁹
Newark	461	428	386	502
Trenton	108	136	124	121
<u>By Judgeship</u>				
Camden (4)	43	42	44	53
Newark (10)	46	43	39	50
Trenton (3)	36	45	41	40

These criminal case figures, like the civil case data above, must be adjusted for the switch of Monmouth County from the Newark vicinage to the Trenton vicinage effective January 1, 2001, when projecting for the immediate future. No data is presently kept on the county of origin for criminal cases. We assume for the sake of simplicity that the percentage of criminal cases arising in Monmouth County when compared with Newark as a whole is the same as the percentage of Monmouth County civil cases above (namely, 269 out of 4,021 civil cases commenced, or

⁹According to the Clerk, there was a one-time statistical recapture of criminal case data in Camden vicinage in March, 2000.

6.7%). This adjustment means that approximately 29 criminal cases arose in Monmouth County in the year 2000.¹⁰ "Moving" these 29 criminal cases from the Newark vicinage to the Trenton vicinage produces the projection for the year 2001, holding all other factors constant, as shown in Figure 9:

¹⁰ This estimate turns out to be too low. Actually, 33 criminal filings were attributed to a Monmouth County origin in SY 2000, according to Mr. Walsh's memo of March 9, 2001.

Figure 9. Projected Criminal Case Filings by Entire District, by Vicinage, and Per Judgeship for Statistical Year 2001

<u>Entire District</u>	733
<u>By Vicinage</u>	
Camden	169
Newark	399
Trenton	165
<u>By Judgeship</u>	
Camden (4)	42
Newark (10)	39
Trenton (3)	55

This demonstrates that, contrary to the assertions of opponents of the split, the Southern District will become slightly more burdened with criminal case filings than the Northern District.

For calendar year 2000, according to the Clerk, all criminal cases originating in Trenton remained in Trenton, and all but two criminal cases originating in Camden remained in Camden (the other two going to Trenton), and most criminal cases originating in Newark remained in Newark. Some Newark criminal cases were assigned to Camden or Trenton, either as cases related to previously pending Camden and Trenton matters or to balance the district-wide caseloads since the federal prosecutors generate

more criminal cases per judge in Newark than in Trenton and Camden.

One of the important objections to the proposed split is the fear that the new Northern District (the Newark vicinage) would lose the opportunity to shift the "overflow" cases to the Southern District (the Camden and Trenton vicinages). For example, the Association of the Federal Bar's Majority Report voiced the concern that "[i]n the year ending July 31, 2000, the split [of criminal filings originating in the eight northern counties vs. the thirteen southern counties] is 76% to 24%" (citing Ex. D to the Majority Report). An examination of Ex. D of the Majority Report reveals that this conclusion for the year 2000 is incomplete because it is actually based upon only seven months of data, ending 7/31/00, and it is incorrect due to misinterpretation of the Clerk's data.

The Clerk of Court has supplied complete data regarding the Newark "overflow" of criminal cases (indictments and informations) for the year January 1, 2000 to December 31, 2000, which is reproduced below. According to the Clerk of Court, in the calendar year 2000, the following "overflow" assignments of criminal indictments arising in Newark were made to the judges in Trenton and Camden in order to equalize the rates of criminal case filings:

- (a) 5 Indictments from Newark to Camden;

- (b) 8 Indictments from Newark to Trenton;
- (c) 17 Informations from Newark to Camden;
- (d) 33 Informations from Newark to Trenton.

Thus, splitting the District in calendar year 2000 would have resulted in thirteen additional indictments in the Northern District, or an average of 1.3 additional indictments per District Judge, and fifty additional informations in the Northern District, or an average of 5 additional informations per District Judge. Informations, however, are filed only in cases in which guilty pleas are entered, and typically involve only one defendant.

The effects of the proposed legislation on the Northern District's criminal caseload are not substantial. There would be a slight disparity in the short run, in which the Northern District may have a few more criminal cases per judgeship than the Southern District. Over time, with the establishment of a United States Attorney's Office having the AUSA positions to which a court of the Southern District's size is entitled, the numbers of federal criminal cases generated in the Trenton and Camden vicinages will predictably rise, eliminating the statistical gap. It is also likely that the present authorized number of U.S. Attorney positions would be reduced for the new

Northern District, and reductions in force may lead to some reductions in prosecutions, again reducing any gap.

In summary, given the small quantity of "overflow" cases, the fear that the Northern District will be swamped with criminal cases is unfounded.

5. Conclusion

Based on the foregoing analysis, splitting the district makes sense now, and certainly in light of the population and growth projections for the next 20 years, makes sense in the future. The distorted allocation of prosecutorial and law enforcement resources has had a significant impact, albeit perhaps statistically unmeasurable, in the South. The experience of the New Jersey Attorney General's Office is instructive. As noted above, the opening of a major office by the New Jersey Attorney General in Cherry Hill has generated a significant number of criminal cases in the South, something which would not have been possible before. As in "Field of Dreams," "if you build it they will come" seems to apply in the law enforcement community as well.

Moreover, given the concentration of AUSA and law enforcement resources in the North, the United States Attorney's Office, although it apparently will not admit it, has had difficulty recruiting the same caliber of attorney to practice in

the Camden and Trenton offices, as opposed to the Newark office. This is not a shocking revelation, because it parallels the experiences of major multi-state law firms which have difficulty in recruiting attorneys to practice in their branch offices.

As reflected in the foregoing analysis, neither the proposed Northern District, nor the proposed Southern District, would be statistically disadvantaged by dividing the district. There are currently sufficient judicial resources in both proposed districts to handle existing caseloads. Given the way in which civil and criminal cases are now allocated by the Clerk under the Local Rules, judicial caseloads would remain exceedingly well balanced in both the Northern and Southern Districts.

Splitting the district will have little, if any caseload impact, on the Northern District; however, it will force a much needed reallocation of prosecutorial and law enforcement resources to the South which can only benefit the public. There will, of course, be some additional costs generated by splitting the district, but those costs are insignificant in a comparative sense. They include the cost of an additional U.S. Attorney, U.S. Marshal, Chief Probation Officer, Chief Pretrial Services Officer, Federal Public Defender and Clerk of Court. Most importantly, however, no courthouse construction will have to be undertaken.

Applying the four criteria of "caseload, judicial administration, geography and community convenience" considered by the Judicial Conference in evaluating the establishment of a new judicial district, splitting the District of New Jersey makes sense. As noted above, the caseload statistics and population trends support such a concept. Splitting the District also corrects the historical misallocation of prosecutorial and law enforcement resources, and in that sense, improves judicial administration of the two Districts. In terms of community convenience and geography, splitting the District will eliminate the need for lawyers, parties and witnesses, especially in criminal cases, to travel the length of the State of New Jersey for trial.

In short, splitting the District visits no disadvantage upon the Northern District and can only benefit the Southern District. It is an idea whose time has come.

H.R. 409

A BILL

**To amend Title 28, United States Code, to divide
New Jersey into 2 judicial districts.**

Exhibit "A"

.....
(Original Signature of Member)

107TH CONGRESS
1ST SESSION

H. R. 409

IN THE HOUSE OF REPRESENTATIVES

Mr. ANDREWS introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend title 28, United States Code, to divide New Jersey
into 2 judicial districts.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 The Congress finds the following:

5 (1) In 1978, the Judicial Conference of the
6 United States established a procedure for creating
7 new Federal judicial districts, which is still in force.




1 According to the "Proceedings of the Judicial Con-
2 ference, September 21-22, 1978", this procedure re-
3 quires that 4 principal criteria be taken into consid-
4 eration in evaluating the establishment of a new
5 Federal judicial district: caseload, judicial adminis-
6 tration, geography, and community convenience.

7 (2) The criterion of "caseload" is found to in-
8 clude the total number of Federal court cases and
9 the number of cases per Federal judge, for both
10 criminal and civil Federal cases.

11 (3)(A) The 13 southern counties of New Jersey,
12 consisting of Atlantic, Burlington, Camden, Cape
13 May, Cumberland, Gloucester, Hunterdon, Mercer,
14 Monmouth, Ocean, Salem, Somerset, and Warren
15 Counties, have a substantial criminal caseload which
16 requires the creation of a separate judicial district.

17 (B) 463 Federal criminal cases originated in
18 the 13 southern New Jersey counties in fiscal year
19 1999 and were handled principally by the 5 judges
20 of the Camden vicinage and the 3 judges of the
21 Trenton vicinage.

22 (C) In fiscal year 1999, the criminal cases orig-
23 inating in the 13 southern New Jersey counties ex-
24 ceeded that of 57 of the current 93 Federal judicial
25 districts other than the District of New Jersey. Only



1 36 of the other current Federal judicial districts had
2 more criminal cases than the southern region of New
3 Jersey.


4 (D) For example, in the District of Massachu-
5 setts (19 judges), 434 criminal cases were filed in
6 fiscal year 1999. In the District of Connecticut (14
7 judges), only 250 criminal cases were filed in fiscal
8 year 1999.

9 (4)(A) The substantial civil caseload con-
10 centrated in the southern counties of New Jersey re-
11 quires the creation of a separate judicial district.

12 (B) Approximately 2,983 Federal civil cases
13 originated in the 13 southern New Jersey counties
14 in fiscal year 1999 and were handled principally by
15 the 5 judges of the Camden vicinage and the 3
16 judges of the Trenton vicinage.

17 (C) In the fiscal year 1999, the civil cases origi-
18 nating in the 13 southern New Jersey counties ex-
19 ceeded that of 68 of the current Federal judicial dis-
20 tricts other than the District of New Jersey. Only
21 25 of the other Federal judicial districts had more
22 civil cases than the southern region of New Jersey.

23 (D) For example, in the Southern District of
24 West Virginia, a separate judicial district with 8
25 judges, only 1,203 civil cases were commenced in fis-




1 cal year 1999. The Western District of Tennessee,
2 with 6 judges, had only 1,512 civil cases commenced
3 in fiscal year 1999.

4 (5) The criterion of "judicial administration" is
5 found to include the backlog of pending cases in a
6 Federal judicial district, which hinders the effective
7 resolution of pending business before the court.

8 (6)(A) The size of the backlog of pending cases
9 concentrated in the 13 southern counties of New
10 Jersey requires the creation of a separate judicial
11 district.

12 (B) In fiscal year 1999, the pending criminal
13 cases attributed to the 13 southern New Jersey
14 counties exceeded that of 62 of the current 93 Fed-
15 eral judicial districts other than the District of New
16 Jersey. Only 31 of the other current Federal judicial
17 districts had more pending criminal cases than the
18 southern region of New Jersey.

19 (C) In fiscal year 1999, the pending civil cases
20 attributed to the 13 southern New Jersey counties
21 exceeded that of 66 of the current 93 Federal judi-
22 cial districts other than the District of New Jersey.
23 Only 27 of the other current Federal judicial dis-
24 tricts had more pending civil cases than the south-
25 ern region of New Jersey.



1 (D) The number of pending cases in the Cam-
2 den vicinage of New Jersey exceeds the number of
3 cases pending before entire judicial districts with
4 similar numbers of judges, clearly indicating that
5 southern New Jersey merits a separate Federal judi-
6 cial district. For example, as of October 1, 1999,
7 there were 1,431 civil cases pending before the Cam-
8 den vicinage, and only 113 of those were commenced
9 in fiscal year 1999. The Western District of Ten-
10 nessee, with 6 judges, had only 1,079 civil cases
11 pending in fiscal year 1999. The Western District of
12 Oklahoma had only 1,356 civil cases pending in fis-
13 cal year 1999 before 9 judges. Finally, there are 161
14 criminal cases pending before the Camden vicinage,
15 while the entire Southern District of Indiana, with
16 7 judges, had only 117 criminal cases pending in fis-
17 cal year 1999.

18 (7) The criterion of "geography" is found to
19 mean the accessibility of the central administration
20 of the Federal judicial district to officers of the
21 court, parties with business before the court, and
22 other citizens living within the Federal judicial dis-
23 trict.

24 (8)(A) The distance between the northern and
25 southern regions of New Jersey and the density of

1 New Jersey's population create a substantial barrier
2 to the efficient administration of justice.

3 (B) The distance from Newark, New Jersey to
4 Camden, New Jersey is more than 85 miles.


5 (C) When a new Federal court district was cre-
6 ated in Louisiana in 1971, the distance between
7 New Orleans and Baton Rouge (nearly 80 miles)
8 was cited as a major factor in creating a new district
9 court, as travel difficulties were impeding the timely
10 administration of justice.

11 (9) The criterion of "community convenience"
12 is found to mean the extent to which creating a new
13 Federal judicial district will allow the court to better
14 serve the population and diverse communities of the
15 area.

16 (10)(A) New Jersey's culturally and regionally
17 diverse population of over 8,000,000 citizens, widely
18 distributed across a densely populated State, is in-
19 convenienced by having only 1 judicial district.

20 (B) The District of New Jersey is the third
21 most populous Federal judicial district in the United
22 States.

23 (C) The population of the 13 southern New
24 Jersey counties exceeds the population of 67 of the
25 current 93 Federal judicial districts other than the




1 District of New Jersey. The population of the 8
2 northern New Jersey counties (consisting of Bergen,
3 Essex, Hudson, Middlesex, Morris, Passaic, Sussex,
4 and Union) exceeds the population of 73 of the cur-
5 rent 93 Federal judicial districts other than the Dis-
6 trict of New Jersey.

7 (D) Of the 25 States that have only a single
8 Federal judicial district (including Puerto Rico, the
9 United States territories, and the District of Colum-
10 bia), New Jersey has the highest population.

11 (E) More than a dozen States have smaller pop-
12 ulations than New Jersey, yet they have multiple
13 Federal judicial districts, including Washington,
14 Oklahoma, Iowa, Georgia, West Virginia, and Mis-
15 souri.

16 (11) In evaluating the creation of a new South-
17 ern District of New Jersey, the Judicial Conference
18 should seek the views of the chief judge of the af-
19 fected district, the judicial council for the affected
20 circuit court, and the affected United States Attor-
21 ney as representative of the views of the Department
22 of Justice, as required in the procedure established
23 by the "Proceedings of the Judicial Conference, Sep-
24 tember 21-22, 1978".



1 SEC. 2. ESTABLISHMENT OF 2 DISTRICTS IN NEW JERSEY.

2 (a) CREATION.—Section 110 of title 28, United
3 States Code, is amended to read as follows:

4 “§ 110. New Jersey

5 “New Jersey is divided into 2 judicial districts to be
6 known as the Northern and Southern Districts of New
7 Jersey.

8 “Northern District

9 “(a) The Northern District comprises the counties of
10 Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Sus-
11 sex, and Union.

12 “Court for the Northern District shall be held at Newark.

13 “Southern District

14 “(b) The Southern District comprises the counties of
15 Atlantic, Burlington, Camden, Cape May, Cumberland,
16 Gloucester, Hunterdon, Mercer, Monmouth, Ocean,
17 Salem, Somerset, and Warren.

18 “Court for the Southern District shall be held at Camden
19 and Trenton.”

20 (b) JUDGESHIPS.—The item relating to New Jersey
21 in the table set forth in section 133(a) of title 28, United
22 States Code, is amended to read as follows:

“New Jersey:	10
“Northern	7”.
“Southern	

23 (c) BANKRUPTCY JUDGESHIPS.—The item relating to
24 New Jersey in the table set forth in section 152(a)(1) of

1 title 28, United States Code, is amended to read as fol-
 2 lows:

"New Jersey:	4
"Northern	4".
"Southern	

3 SEC. 3. DISTRICT JUDGES, BANKRUPTCY JUDGES, MAG-
 4 ISTRATE JUDGES, UNITED STATES ATTOR-
 5 NEY, UNITED STATES MARSHAL, AND FED-
 6 ERAL PUBLIC DEFENDER.

7 (a) TRANSFER OF DISTRICT JUDGES.—(1) Any dis-
 8 trict judge of the District Court of New Jersey who is
 9 holding office on the day before the effective date of this
 10 Act and whose official duty station is in Bergen, Essex,
 11 Hudson, Middlesex, Morris, Passaic, Sussex, or Union
 12 County shall, on or after such effective date, be a district
 13 judge for the Northern District of New Jersey. Any dis-
 14 trict judge of the District Court of New Jersey who is
 15 holding office on the day before the effective date of this
 16 Act and whose official duty station is in Atlantic, Bur-
 17 lington, Camden, Cape May, Cumberland, Gloucester,
 18 Hunterdon, Mercer, Monmouth, Ocean, Salem, Somerset,
 19 or Warren County shall, on and after such effective date,
 20 be a district judge of the Southern District of New Jersey.

21 (2) Whenever a vacancy occurs in a judgeship in ei-
 22 ther judicial district of New Jersey, the vacancy shall first
 23 be offered to those judges appointed before the enactment
 24 of this Act and in active service in the other judicial dis-

1 trict of New Jersey at the time of the vacancy, and of
2 those judges wishing to fill the vacancy, the judge most
3 senior in service shall fill that vacancy. In such a case,
4 the President shall appoint a judge to fill the vacancy re-
5 sulting in the district of New Jersey from which such
6 judge left office.

7 (b) TRANSFER OF BANKRUPTCY AND MAGISTRATE
8 JUDGES.—Any bankruptcy judge or magistrate judge of
9 the District Court of New Jersey who is holding office on
10 the day before the effective date of this Act and whose
11 official duty station is in Bergen, Essex, Hudson, Mid-
12 dlesex, Morris, Passaic, Sussex, or Union County shall, on
13 or after such effective date, be a bankruptcy judge or mag-
14 istrate judge, as the case may be, for the Northern Dis-
15 trict of New Jersey. Any bankruptcy judge or magistrate
16 judge of the District Court of New Jersey who is holding
17 office on the day before the effective date of this Act and
18 whose official duty station is in Atlantic, Burlington, Cam-
19 den, Cape May, Cumberland, Gloucester, Hunterdon, Mer-
20 cer, Monmouth, Ocean, Salem, Somerset, or Warren
21 County shall, on and after such effective date, be a bank-
22 ruptcy judge or magistrate judge, as the case may be, of
23 the Southern District of New Jersey.


24 (c) UNITED STATES ATTORNEY, UNITED STATES
25 MARSHAL, AND FEDERAL PUBLIC DEFENDER.—

1 (1) THOSE IN OFFICE.—This Act and the
2 amendments made by this Act shall not affect the
3 tenure of office of the United States attorney, the
4 United States marshal, and the Federal Public De-
5 fender, for the District of New Jersey who are in of-
6 fice on the effective date of this Act, except that
7 such individuals shall be the United States attorney,
8 the United States marshal, and the Federal Public
9 Defender, respectively, for the Northern District of
10 New Jersey as of such effective date.

11 (2) APPOINTMENTS.—The President shall ap-
12 point, by and with the advice and consent of the
13 Senate, a United States attorney and a United
14 States marshal for the Southern District of New
15 Jersey. The Court of Appeals for the Third Circuit
16 shall appoint a Federal Public Defender for the
17 Southern District of New Jersey.

18 (d) PENDING CASES NOT AFFECTED.—This Act and
19 the amendments made by this Act shall not affect any ac-
20 tion commenced before the effective date of this Act and
21 pending in the United States District Court for the Dis-
22 trict of New Jersey on such date.

23 (c) JURIES NOT AFFECTED.—This Act and the
24 amendments made by this Act shall not affect the com-
25 position, or preclude the service, of any grand or petit jury



1 summoned, empaneled, or actually serving in the Judicial
2 District of New Jersey on the effective date of this Act.

3 **SEC. 4. EFFECTIVE DATE.**

4 (a) **IN GENERAL.**—This Act and the amendments
5 made by this Act shall take effect 180 days after the date
6 of the enactment of this Act.

7 (b) **APPOINTMENTS.**—Notwithstanding subsection
8 (a), the President and the Court of Appeals for the Third
9 Circuit may make the appointments under section 3(c)(2)
10 at any time after the date of the enactment of this Act.



MAP

**Proposed Northern and Southern
Districts of New Jersey**

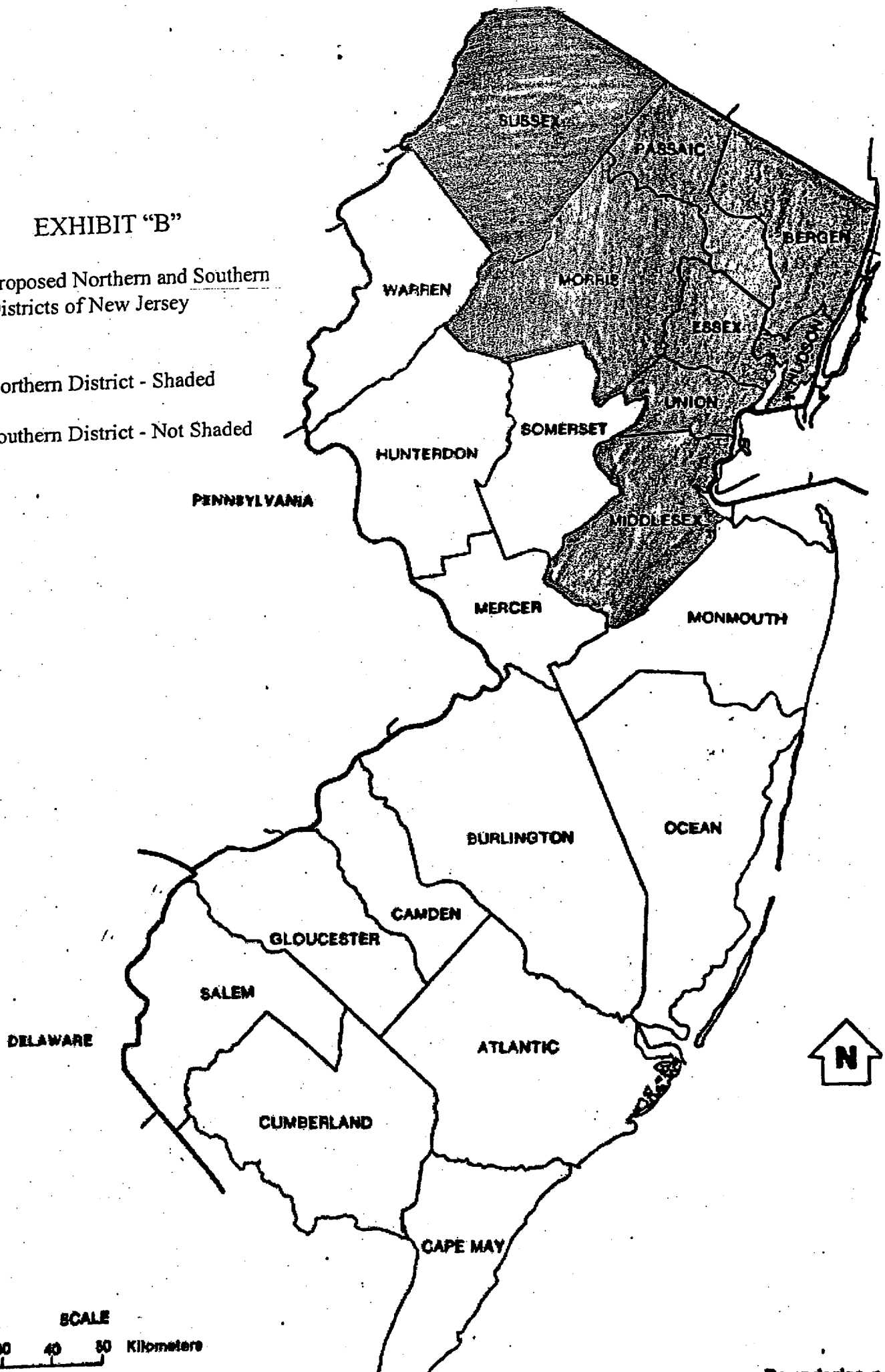
Exhibit "B"

EXHIBIT "B"

Proposed Northern and Southern
Districts of New Jersey

Northern District - Shaded

Southern District - Not Shaded



Philadelphia Inquirer Editorial

"Pining for Justice"

Exhibit "C"

The Philadelphia Inquirer

ROBERT J. HALL, Publisher and Chairman
ROBERT J. ROSENTHAL, Editor and Executive Vice President

WILLIAM J. WARD, Managing Editor
LOU URENECK, Deputy Managing Editor
PHILLIP DIXON, Deputy Managing Editor
ANNE GORDON, Associate Managing Editor
SANDRA LONG, Associate Managing Editor
HANK KLIRANOFF, Sunday Editor

CHRIS SATULLO, Editor of the Editorial Page
CAROLYN DAVIS, Deputy Editor of the Editorial Page
ACEL MOORE, Associate Editor

A12

SATURDAY, FEBRUARY 17, 2001

Pining for justice

*South Jersey has waited long enough
to have its own federal court district.*

Should Congress create a new federal court district for South Jersey, with its own judges and U.S. attorney?

Well, if the issue hinges on whether the region churns up enough crime to keep the staff busy, numerous elected officials have made a powerfully persuasive case that it does — though not in the way you'd prefer. In the last quarter century, at least three mayors of Atlantic City and three mayors of Camden, including the last two, have been convicted of wrongdoing.

Meanwhile, several mobsters who usually operate out of Philadelphia and New York seem to have opened branch offices in South Jersey, particularly in Atlantic City.

So where was the U.S. Attorney's Office during all this illegal activity? Focusing its energies on trying to collar bad guys up north.

The U.S. Attorney's Office for New Jersey, which is based in Newark, is so overwhelmed with upstate crime that it sends a disproportionately small number of U.S. marshals, and also FBI and Drug Enforcement Administration agents, to its southern branch office to root out the drug lords, killers, mobsters and crooked mayors lurking in the south.

U.S. Rep. Robert Andrews (D., N.J.), who is leading the charge to create a U.S. Southern District of New Jersey, points to statistics showing that 25 percent of the state's urban murders and 33 percent of the arrests for violent crimes occur in the southern part of New Jersey. But the U.S. Attorney's Office as-

signed only 10 percent of the FBI agents, 15 percent of U.S. marshals and 18 percent of the DEA agents to the south. Not all of those crimes required a federal assist, but some did.

A natural divide could place the counties of Cape May, Cumberland, Salem, Gloucester, Camden, Burlington, Atlantic, Ocean, Mercer and Monmouth in a southern district. The bar associations in Somerset and Warren counties might make the case to join the south based on a commonality of interests. The boundaries can be worked out later.

Right now, it is clear that South Jersey has been at the short end of federal crime enforcement efforts.

Imagine this: No one from South Jersey has been appointed U.S. Attorney since Harry S. Truman was president.

U.S. District Judge Joseph Rodriguez, who was born and raised in Camden, where he now sits as a senior judge, said greater public credibility comes with prosecutors and judges understanding southern counties.

He is right.

So, too, comes a greater personal commitment to the area. Many federal judges sent from towns in the north to sit on the bench in South Jersey use their seniority to return upstate as soon as an opening occurs.

New Jersey is the most populous state in the nation with only one district. Its southern half deserves its own staff dedicated to prosecuting crime and uncovering corruption.

After all, there has never been a shortage of crooks in the south — only a shortage of crime-fighters.

Courier-Post Editorial

"It's Time to Create Federal District in South Jersey"

Exhibit "D"

CORNER EDITORIAL



It's time to create federal district in South Jersey

A bill establishing a federal Southern District of New Jersey is worthy of passage.

All of the criteria for such a move appear to be in place, and, if it happens, South Jersey residents will be served by bringing a better federal justice system to the area, including courts and related federal agencies.

South Jersey members of Congress are pushing a bill creating a new Southern District of New Jersey that would include Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer and Salem counties.

Getting a district of our own means more personal service and a focus on issues pertaining to South Jersey.

The appointed federal officials who would be in charge of the system in South Jersey will be part of this community. There won't be judges who live up North and who prefer to live up North being sent down South to hold court over this region's trials. Instead, the judges will be from this area and have an understanding of the region's issues and concerns.

A new district would bring a host of new positions to the South, including a U.S. attorney, federal public defender and U.S. marshal.

No longer would there be a competition with North Jersey to gain the feds' attention. Our region's agenda would be advanced by federal law enforcement and judicial agencies based right here.

The size of South Jersey also makes a strong case for an individual federal district.

A number of states smaller than New Jersey already have more than one federal judicial district. With more than 2 million residents in the eight southern counties, this area certainly qualifies for its own district.

And what about the work to be done?

Those familiar with the issue say that the criminal caseload in the eight southern counties alone exceeds the caseloads found in more than half of the existing federal districts. The situation is the same with civil cases.

The legislation to establish a Southern District of New Jersey only recently was introduced in Congress. A lengthy review process is

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necessary before Congress takes any action on the proposal.

We're confident that when the review is finished, it will favor establishing a federal district in South Jersey.



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